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	Filing Date	June 30, 2003	
	First Named Inventor	Georges R. HARIK	
	Group Art Unit	2168	
	Examiner Name	Harold E. Dodds	
Total Number of Pages in This Submission		Attorney Docket Number	Google-47 (GP-108-00-US)

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Firm or Individual name	John C. Pokotylo (Reg. No. 36,242)
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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Google-47 (GP-108-00-US)**

Appl. No.: **10/614,736**

Applicant/Appellant: **Georges R. HARIK**

Filed: **June 30, 2003**

Title: **SERVING ADVERTISEMENTS USING A SEARCH OF ADVERTISER  
WEB INFORMATION**

TC/A.U.: **2167**

Examiner: **Harold E. Dodds**

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S I R:

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

In response to the Notice of Non-Compliant Appeal Brief mailed on October 13, 2006 (Paper No. 20061006), which set a period for response to expire on November 13, 2006, the Appellant respectfully requests that the Board consider the Appeal Brief in view of the following.

## REMARKS

The Notice of Non-Compliant Appeal Brief alleges that the Appeal Brief filed on July 24, 2006 is defective as failing to comply with 37 C.F.R. § 41.37(c)(1)(v) because "there is no separately argued dependent claim 6 and 33 in the summary of the claimed subject matter." For reasons discussed below, the Appellant respectfully submits that the Notice of Non-Compliant Appeal Brief is improper. In any event, an amended "Summary of the Claimed Subject Matter" section is provided in order to expedite the processing of this Appeal.

The Notice of Non-Compliant Appeal Brief is improper. Besides requiring a concise explanation of the subject matter defined in each of the **independent claims** involved in the appeal, 37 C.F.R. § 41.37(c)(1)(v) also requires, for each independent claim involved in the appeal **and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. § 112, sixth paragraph**, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The Notice of Non-Compliant Appeal Brief indicated that a summary of separate argued dependent claims 6 and 33 must be provided. However, these claims recite neither "means plus function" elements, nor "step plus function" elements. More specifically, claim 6 is a dependent method claim which does not recite (nor does it even modify) a means plus function or step plus function

claim element. Although claim 33 depends from a claim which includes means plus function elements, claim 33 does not recite a means plus function or step plus function element. More specifically, these claims further recite that, "the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages" and that "the searchable data structure including advertiser Web page information includes information extracted exclusively from the identified advertiser Web pages."

As can be appreciated from the foregoing, dependent claims 6 and 33 are not required to be summarized under 37 C.F.R. § 41.37(c)(1)(v). However, the Appellant has nonetheless provided an amended summary under 37 C.F.R. § 41.37(c)(1)(v) below. MPEP 1205.03 states, in pertinent part:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.

An amended summary is provided below.

**V. Summary of the Claimed Subject Matter (amended)**

Independent claim 1 claims a method comprising (a) accepting a search query (See, e.g., 410 and 440 of Figure 4; page 16, lines 16-24; 610 of Figure 6; and page 20, lines 5 and 6.), (b) searching a searchable data structure including advertiser Web page information (See, e.g., 440 and 460 of Figure 4; page 16, lines 25-30; 620 of Figure 6; and page 20, lines 6-9.), (c) accepting search results (See, e.g., document URL in 464 of Figure 4; page 16, line 30 through page 17, line 1; 630 of Figure 6; and page 20, line 9.), and (d) retrieving at least one advertisement using at least a portion of the accepted search results (See, e.g., 420, 470, 472 and 480 of Figure 4; page 17, lines 4-14; 640 of Figure 6; and page 20, lines 10 and 11.).

Independent claim 23 claims a search engine comprising (a) a query processor (See, e.g., 440 of Figure 4; page 16, lines 25-30; 710 of Figure 7; and page 23, line 11 through page 24, line 14.), (b) a first index including information derived from Web pages of the World Wide Web (See, e.g., 450 of Figure 4; page 17, line 25 through page 19, line 7; 720 of Figure 7; and page 23, line 11 through page 24, line 14.), and (c) a second index including information derived exclusively from Web pages of advertisers (See, e.g., 460 and 462 of Figure 4; page 16, lines 27-30 and page 19, lines 8-25; 720 of Figure 7; and page 23, line 11 through page 24, line 14.).

Finally, independent claim 28 claims apparatus comprising (a) an input for accepting a search query (See, e.g., 410 and 440 of Figure 4; page 16, lines

16-24; 732 of Figure 7; and page 23, line 11 through page 24, line 14.), (b) means for searching a searchable data structure including advertiser Web page information to generate search results (See, e.g., 440 and 460 of Figure 4; page 16, line 25 through page 17, line 1; 710 and 720 of Figure 7; and page 23, line 11 through page 24, line 14.), and (c) means for retrieving at least one advertisement using at least a portion of the accepted search results (See, e.g., 420, 470, 472 and 480 of Figure 4; page 17, lines 4-14; 710 and 720 of Figure 7; and page 23, line 11 through page 24, line 14.)

Separately argued dependent claims 6 and 33 further recite that (1) the at least one advertisement (e.g., of claims 1 and 28) is retrieved from a set of advertiser information which includes information identifying advertiser Web pages and (2) the searchable data structure including advertiser Web page information includes information extracted exclusively from the identified advertiser Web pages. This is supported, for example, by index 460 of Figure 4; Figure 6; index 822 of Figure 8; page 5, lines 7-19; page 16, lines 25-30; page 18, lines 11-18; and page 20, lines 19-29.

Separately argued dependent claim 37 further recites that a means for retrieving at least one advertisements using a portion of accepted search results uses Web page identifiers included in the search results. Separately argued dependent claim 38 further recites that the Web page identifiers may be used as lookup keys to a database of advertisement information. This is supported, for example, by DOC ID in 462, URL in 464, and URL to ADs mapping 472 in Figure 4, page 17 lines 4-19, page 22,

lines 22-25, Figure 7, and page 23, line 11 through page 24, line 14.

Finally, separately argued dependent claims 40 and 41 further recite that the means for retrieving at least one advertisement does not consider expressly entered targeting information, such as keyword targeting information. This is supported, for example, by 420 in Figure 4, page 17 lines 4-19 (and in particular, lines 8-10), Figure 7, and page 23, line 11 through page 24, line 14.

The foregoing embodiments, consistent with the present invention, may be useful, for example, to allow owners of web content to target ads and/or to advertise their products and services without requiring them to enter and/or maintain certain targeting information, such as targeting keywords for example. (See page 5, lines 1-10 of the Specification.) The present invention is particularly useful for determining ads to be served in association with search results pages since indexing, search query, and/or search engine infrastructure and technology can be leveraged. (See page 25, lines 21-24 of the Specification.)

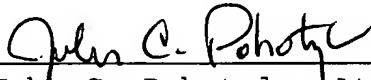
## **Conclusion**

In view of the foregoing, as well as the previously filed Appeal Brief (incorporated herein by reference), the Appellant respectfully submits that the Appeal Brief complies with 37 C.F.R. § 41.37 and that the pending claims are in condition for allowance. Accordingly, the Appellant requests that the Board consider the Appeal

Brief and reverse each of the outstanding grounds of rejection.

November 13, 2006

Respectfully submitted,

  
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**CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)**

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